

Michael Davis
August 29, 2024

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Case No. 2:23-cv-4102

- - -

DEREK J. MEYERS, ET AL.,

plaintiffs,

V.

PIKE COUNTY, ET AL.,

defendants.

DEPOSITION OF MICHAEL DAVIS

The deposition of Michael Davis was taken on
Thursday, August 29th, 2024, at 2:41 p.m., at the
Pike County Government Center, 230 Waverly Plaza,
Waverly, Ohio.

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<p style="text-align: right;">Page 2</p> <p>1 ON BEHALF OF THE PLAINTIFFS:</p> <p>2 Marc D. Mezibov, Esquire (via Zoom)</p> <p>3 Mezibov Butler</p> <p>4 615 Elsinore Place, Suite 105</p> <p>5 Cincinnati, Ohio 45202</p> <p>6 mmezibov@mezibov.com</p> <p>7 Emmett E. Robinson, Esquire</p> <p>8 Robinson Law Firm LLC</p> <p>9 6600 Lorain Avenue, Suite 731</p> <p>10 Cleveland, Ohio 44102</p> <p>11 erobinson@robinsonlegal.org</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANTS:</p> <p>14</p> <p>15 Cassaundra L. Sark, Esquire</p> <p>16 Lambert Law Office, LLC</p> <p>17 215 South 4th Street</p> <p>18 Ironton, Ohio 45638</p> <p>19 csark@lambert-law.org</p> <p>20</p> <p>21 ALSO PRESENT:</p> <p>22</p> <p>23</p> <p>24 Derek Meyers (via Zoom)</p>	<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2 EXAMINATION PAGE</p> <p>3 Mr. Robinson 4</p> <p>4</p> <p>5</p> <p>6 EXHIBITS PAGE</p> <p>7</p> <p>8 Exhibit 18 6</p> <p>9 Exhibit 19 7</p> <p>10</p> <p>11</p> <p>12 Stenographer's Certificate 11</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 - - -</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 4</p> <p>1 MICHAEL DAVIS,</p> <p>2 being by me first duly sworn, as hereinafter</p> <p>3 certified, deposes and says as follows:</p> <p>4 EXAMINATION</p> <p>5 By Mr. Robinson:</p> <p>6 Q. Good afternoon, Mr. Davis.</p> <p>7 A. How's it going?</p> <p>8 Q. Could you tell me where you work</p> <p>9 currently?</p> <p>10 A. I am the Pike County prosecuting</p> <p>11 attorney.</p> <p>12 Q. When did you assume that position?</p> <p>13 A. February 9th of 2023.</p> <p>14 Q. And what job did you hold prior to that?</p> <p>15 A. I was a private attorney in the law firm</p> <p>16 of Davis, Howard, and Brown. I've had a couple</p> <p>17 different ones. I was also an assistant prosecuting</p> <p>18 attorney for Pike County.</p> <p>19 Q. What was your work balance there? About</p> <p>20 how many hours a week, roughly, would you work for</p> <p>21 the county at that time?</p> <p>22 A. More than 40.</p> <p>23 Q. When you were part time?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 5</p> <p>1 Q. More than 40?</p> <p>2 A. Yeah.</p> <p>3 Q. So your private practice was kind of</p> <p>4 taking a back seat, I'm guessing?</p> <p>5 A. Unfortunately, yes.</p> <p>6 Q. Okay. Okay. And when you became</p> <p>7 prosecutor this year, how did you attain that</p> <p>8 position?</p> <p>9 A. My -- the former prosecutor, my former</p> <p>10 boss, Rob Junk, became court of common pleas judge.</p> <p>11 Q. Okay.</p> <p>12 A. And our terms -- the terms kind of</p> <p>13 overlap. So I assumed his role. I was appointed.</p> <p>14 And I was named interim prosecutor, then, I was</p> <p>15 appointed a week later.</p> <p>16 Q. So who named you interim prosecutor?</p> <p>17 A. The Pike County commissioners.</p> <p>18 Q. Okay. And then who appointed you a week</p> <p>19 later?</p> <p>20 A. The Democratic party.</p> <p>21 Q. Okay. I'm going to hand you what I've</p> <p>22 marked as Exhibit 18, if you could like a look at</p> <p>23 that?</p> <p>24 - - -</p>

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<p style="text-align: right;">Page 6</p> <p>1 (EXHIBIT NO. 18 WAS MARKED.)</p> <p>2 - - -</p> <p>3 A. Yes, sir.</p> <p>4 Q. Could you tell me what this document is?</p> <p>5 A. This is a dismissal entry dated 10th of</p> <p>6 August, 2023.</p> <p>7 Q. And what is being dismissed here?</p> <p>8 A. 22-CR-92 State of Ohio versus Derek J.</p> <p>9 Myers.</p> <p>10 Q. Are you familiar with the background of</p> <p>11 this case generally?</p> <p>12 A. Just generally.</p> <p>13 Q. Okay. This document says that the case</p> <p>14 was dismissed without prejudice; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. Do you have any intent as prosecutor to</p> <p>17 ever reopen this case?</p> <p>18 A. I won't say that I will never reopen it.</p> <p>19 There is a statute of limitations. If somebody were</p> <p>20 to bring me a case, I would consider it for grand</p> <p>21 jury.</p> <p>22 Q. What caused you to dismiss the case at</p> <p>23 this time?</p> <p>24 A. The case was never presented to me by the</p>	<p style="text-align: right;">Page 7</p> <p>1 Pike County's Sheriff's Department to run to a grand</p> <p>2 jury. The rule says 60 days. We had exceeded that.</p> <p>3 We dismissed it without prejudice.</p> <p>4 Q. So based on the information you have now,</p> <p>5 you have no basis to bring charges against Mr. Myers</p> <p>6 regarding this incident; is that right?</p> <p>7 A. Nothing has been brought to me.</p> <p>8 Q. Okay. I'm going to hand you what I'm</p> <p>9 marking as Exhibit 19.</p> <p>10 - - -</p> <p>11 (EXHIBIT NO. 19 WAS MARKED.)</p> <p>12 - - -</p> <p>13 Q. If you could take a look at that?</p> <p>14 A. Yes.</p> <p>15 Q. If you could tell me what that is.</p> <p>16 A. That is a letter from my office.</p> <p>17 Q. And who is that letter written to?</p> <p>18 A. To the Pike County's Sheriff's</p> <p>19 Department.</p> <p>20 Q. And are you giving them some advice in</p> <p>21 this letter?</p> <p>22 A. The laptop seized is to be returned to</p> <p>23 the lien holder in the case against Derek Myers.</p> <p>24 Q. Okay. And why did you advise that the</p>
<p style="text-align: right;">Page 8</p> <p>1 laptop -- let me start over --</p> <p>2 Why did you advise that the laptop should</p> <p>3 be returned at this time?</p> <p>4 A. There was a lien on the laptop. It was</p> <p>5 held by Rent-2-Own. I believe some entity like that.</p> <p>6 They had indicated, to the best of my recollection,</p> <p>7 that Mr. Myers had stopped paying. They wanted their</p> <p>8 property back. And I advised them to release it.</p> <p>9 Q. What about the second sentence of this</p> <p>10 letter that says, "There is no longer any reason for</p> <p>11 the evidence that was obtained in this case to be</p> <p>12 held." Could you explain the reason behind that?</p> <p>13 A. I believe that my -- BCI had returned</p> <p>14 this laptop and there was no evidence found on the</p> <p>15 laptop.</p> <p>16 Q. Okay. Do you know who Deborah Barrington</p> <p>17 is?</p> <p>18 A. Yes. Oh, yeah.</p> <p>19 Q. Could you just tell me, for the record,</p> <p>20 who she is?</p> <p>21 A. She is an attorney in Chillicothe.</p> <p>22 Q. Do you recall ever talking to her about</p> <p>23 this case?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Did you ever indicate to her that you</p> <p>2 would not be interested in prosecuting this case?</p> <p>3 A. No.</p> <p>4 Q. Did you ever indicate to her that if you</p> <p>5 assumed the job as prosecutor of Pike County you</p> <p>6 would not prosecute this case as it stood at that</p> <p>7 time?</p> <p>8 A. No.</p> <p>9 Q. Did you ever indicate to her anything to</p> <p>10 that effect?</p> <p>11 A. No.</p> <p>12 Q. And your --</p> <p>13 A. Nothing like that.</p> <p>14 Q. Okay. Let's go off the record.</p> <p>15 (Recess taken.)</p> <p>16 MS. SARK: So you -- I'm sure you're well</p> <p>17 aware. But you can either read your deposition or</p> <p>18 waive it. I'll just recommend you go ahead and waive</p> <p>19 it.</p> <p>20 THE WITNESS: Waive it. It's fine with</p> <p>21 me.</p> <p>22 MS. SARK: Okay. We'll waive.</p> <p>23 MR. ROBINSON: Quick read.</p> <p>24 STENOGRAPHER: Okay. And does anyone</p>

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<p>1 need this transcript? Page 10</p> <p>2 MR. ROBINSON: Yes.</p> <p>3 MS. SARK: We'll order a copy as well.</p> <p>4 - - -</p> <p>5 Thereupon, at 2:48 p.m., Thursday, August</p> <p>6 28th, 2024, the deposition was completed.</p> <p>7 - - -</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 CERTIFICATE Page 11</p> <p>2 STATE OF OHIO :</p> <p>3 : SS:</p> <p>4 COUNTY OF JACKSON :</p> <p>5</p> <p>6 I, Kathryn R. Thorne, Shorthand Reporter and</p> <p>7 Notary Public in and for the State of Ohio duly</p> <p>8 commissioned and qualified, do hereby certify that</p> <p>9 the transcript of Michael Davis was taken by me and</p> <p>10 before me at the time and place for the purpose</p> <p>11 specified in the caption hereof.</p> <p>12 I FURTHER CERTIFY that the foregoing</p> <p>13 transcript of said testimony is a true and correct</p> <p>14 transcript of the testimony given by the said witness</p> <p>15 at the time and place specified herein.</p> <p>16 I FURTHER CERTIFY that I am not a relative or</p> <p>17 employee or attorney or counsel of any of the</p> <p>18 parties, or financially interested directly or</p> <p>19 indirectly in this action.</p> <p>20 Given under my hand this 9th day of September,</p> <p>21 2024</p> <p>22 My Commission expires June 26, 2027</p> <p>23</p> <p>24</p> <p><i>Kathryn Thorne</i></p> <p>Kathryn Thorne</p> <p>Court Reporter</p> <p>Notary Public-State of Ohio</p>
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